

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

BACKWARD CLASSES WELFARE DEPARTMENT – Appeal Petition filed by Sri Nuvvula Srinivas S/o Ummaiah R/o Nalgonda ,Nalgonda District under Rule 11 of the AP SCs,STs & BCs Issue of the community, Nativity & Date of Birth Certificate Rules,1977 against the Proceedings No.H7/3787/2006, dt.28-9-2006 of the Collector and District Magistrate, Nalgonda – Rejected – Orders – Issued.

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BACKWARD CLASSES WELFRARE (C1) DEPARTMENT

G.O.Rt.No. 378

Dated:10-12-2008

Read the following:

- 1) From the Collector & District Magistrate, Nalgonda District, Proceedings No. H7/3787/2006, dt.28-9-2006.
- 2) From Sri Nuvvula Srinivas S/o Ummaiah ,R/o Nalgonda , Nalgonda District ,Appeal Petition Dt.12-10-2006(Received on 24-10-2006).
- 3) Govt.Memo.No.3787/C1/2006-1, dated. 15-11-2006.
- 4) From the Collector & District Magistrate, Nalgonda District, Lr. No. H7/3787/2006, dt.23-3-2007.
- 5) Govt.Memo.No.3787/C1/2006-3, dated. 21-6-2008..
- 6)Govt.Memo.No.3787/C1/2006, dated. 9-9--2008.

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ORDER:

The Collector & District Magistrate, Nalgonda District in his Proceedings 1<sup>st</sup> read above, has cancelled the B.C. Certificate issued by the Mandal Revenue Officer, Nalgonda , in favour of Sri Nuvvula Srinivas S/o Ummaiah R/o Nalgonda ,Nalgonda District .

2. Aggrieved by the orders of the District Collector, Nalgonda District, in the proceedings 1<sup>st</sup> read above, Sri Nuvvula Srinivas S/o Ummaiah R/o Nalgonda ,Nalgonda District in the reference 2<sup>nd</sup> read above, has filed an Appeal petition before the Government on 12-10-2006 under Rule 11 of the AP SCs,STs & BCs Issue of the community, Nativity & date of Birth Certificate Rules,1977, and, requested to suspend the orders passed by the District Collector, Nalgonda District , pending disposal of the Appeal Petition and pass such other suitable order or orders in the circumstances of the case.

3. The Appeal Petition filed by Sri Nuvvula Srinivas in the reference 2<sup>nd</sup> read above was taken on file on 24-10-2006 and called for the records in the reference 3<sup>rd</sup> read above.

4. The brief facts of the case are that a complaint was filed by the District President ,B.C. Welfare Association, Nalgonda before the Government of Andhra Pradesh against the Caste status of Sri Nuvvula Srinivas S/o Ummaiah, R/o Nalgonda ,Nalgonda District ,stating that Sri Nuvvula Srinivas belongs to Veera shaiva Lingayat Balija , a forward caste, had obtained " Perika Balija" BC-B Caste Certificate and contested from 13<sup>th</sup> ward of Nalgonda Municipality in the local body elections held in September,2005 and successfully won.

5. On receipt of the above complaint , the Collector& Dist Magistrate, Nalgonda District had requested Revenue Divisional Officer, Nalgonda, the Mandal Revenue Officer, Nalgonda and the Municipal Commissioner, Nalgonda for re-verification and to offer their remarks.

6. The Enquiry Report of M.R.O., Nalgonda revealed that he conducted a Panchanamas with the elder people of the locality, on 9-3-2006, where in the Panchas deposed that the Caste of Nuvvula Srinivas, Councilor, is 'Balija' and sub-caste is Perika Balija, Vada Ballija, Setti Balija, Krishna Balija etc., They are vegetarians. At the time of their marriages, they would call "Jangam" if available, otherwise they would call 'Brahmins' to perform the marriages. Their 'Kula Guruvu' (Community elders) is 'Jangam', which is existing in 'BC-A' category. The Panchas further deposed that Sri Nuvvula Srinivas is having a brother and (3) sisters and all of them reside in Nalgonda. Sri Nuvvula Srinivas has married a woman, from Phanigiri village of Tirumalagiri Mandal. Sri Ummaiah, father of Sri N.Srinivas, has migrated to his uncle's place here, about (50) years back, from Uppalpahad of Suryapet. They are having agricultural lands, and their main profession is agriculture. The main occupation of 'Balija' people is cultivation and selling of vegetables and leafy vegetables. At present , they are doing different businesses of their own choice. Majority of them are doing business of selling leafy vegetables. All of them offer their holy prayers to 'Lord Siva'. As per the facts mentioned in the 'Panchanama' and views of the Panchas and customs/rituals observed by the community people, it is opined that Sri Nuvvula Srinivas R/o Nalgonda belongs to 'Balija' caste.

(P.T.O)

7. The District Level Scrutiny Committee, Nalgonda District, which met in the Chambers of the Joint Collector & Chairman of the Committee, after perusal of all the connected papers has come to a conclusion that Sri Nuvvula Srinivas S/o Ummaiah failed to produce any substantial evidence to show that he belongs to 'Perika Balija' (BC-B) Caste, and resolved to cancel the B.C. Caste Certificate bearing No.C3731/91, dated.19-6-1991 issued to him.

8. The Petitioner in his Appeal Petition dt.20-10-2006 (received on 24-10-2006) has submitted the following grounds viz.,

a)The District Collector, Nalgonda erred in passing the impugned order and issuing Notification on the same day canceling the caste certificate issued in favour of him.

b)The District Collector, Nalgonda has relied solely on the Enquiry Report of the Mandal Revenue Officer, Nalgonda and Revenue Divisional Officer, Nalgonda, which were exparte reports and which were not made available to the appellant.

c) The District Collector, herein erred in passing the impugned order which is in violation of principles of natural justice.

d) The District Collector ought to have seen that the certificate was granted in favour of the appellant in the year 1991 by the competent authority after due enquiry and the same cannot be cancelled by violating the principles of natural justice.

e) The District Collector ought to have supplied the report dated 17-4-2006 of Mandal Revenue Officer and the report dated. 29-5-2006 of R.D.O. to the appellant, which were made basis for passing the impugned order.

f) The District Collector could not have relied upon the enquiry reports which were made solely for extraneous considerations, to come to the conclusion that appellant does not belong to B.C. 'B' community i.e. Peria Balija Caste.

g) The appellant submitted that on notices being issued by District Collector, the appellant appeared and furnished documentary evidence in his favour and requested for oral enquiry. But the District Collector has passed the impugned order stating that appellant did not produce any evidence or record in support of his claim. The District Collector, Nalgonda did not permit the appellant to adduce any oral evidence which is necessary to prove the appellant's case that he belongs to Perika Balija Caste, which is a B.C.'B' category.

h) The District Collector, Nalgonda has violated the provisions of A.P. (SCs, STs & BCs) Regulation of Issue of Community Certificates Act, 1993, in total, and before passing the impugned order, the procedure laid down in the said Act was not followed. On all these grounds, the impugned order is liable to be set aside. The impugned order is passed only for political gains to deprive the appellant of his Community Certificate.

i) The appellant submitted that he has been elected as Councilor in one of the reserved wards of Nalgonda Municipality, reserved for B.C. 'B' candidate and people who are against the appellant seem to have influenced the District Collector, Nalgonda for cancellation of the said certificate so that steps could be taken to disqualify him from holding the elected post.

j) The District Collector, Nalgonda ought to have seen that similar certificates were issued in favour of all the relatives of the appellant and the same is not taken into consideration before passing the impugned order canceling the Certificate issued in favour of the appellant.

Therefore he prayed that the Hon'ble Authority may be pleased to set aside the Order & notification dt.28-9-2006 in Proceedings No.H7/3787/2006 on the file of the District Collector, in the interests of justice, and pass such other or further orders as are deemed fit and proper in the circumstances of the case.

9. The Appeal Petitioner viz., Sri Nuvvula Srinivas has been requested to attend the hearing on 7-7-2008 at 12:30 PM before the Government in person or through his Counsel through the Govt Memo 5<sup>th</sup> read above which has been sent to the Appeal petitioner through the Collector,Nalgonda Dist through speed post. Since the individual was not present on 7-7-2008 ; second notice through the Govt Memo 6<sup>th</sup> read above has been sent to the Appeal Petitioner through the Dist Collector, Nalgonda Dist through speed post for attending hearing on 13-10-2008 at 12:00 Noon before the Govt in person or through his counsel and the case has been heard on 26-8-2008 before the Govt.

10. The Government, after careful examination of the records, and also the averments made by the Appeal Petitioner before the Govt on 26-8-2008 is of the opinion that Sri Nuvvula Srinivas S/o Ummaiah R/o Nalgonda, Nalgonda District belongs to Balija, forward caste and obtained "Perika Balija", BC-B Caste Certificate from MRO, Nalgonda fraudulently. It has been decided that the proceeding No. H7/3787/2006, dated. 28.09.2006 issued by the District Collector, Nalgonda holds good.

11. Accordingly, the Appeal Petition filed by Sri Nuvvula Srinivas S/o Ummaiah R/o Nalgonda, Nalgonda District in the reference 2<sup>nd</sup> read above is hereby rejected.

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12. The original records containing CF pages from 1-163 received through the reference 3<sup>rd</sup> read above are returned herewith to the District Collector, Nalgonda District and the receipt of the same may kindly be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

T.SATYANARAYANA RAO  
SECRETARY TO GOVERNMENT

To:

1.Sri Nuvvula Sirnivas S/o Ummaiah  
H.No.8-1-157,Gollaguda Street, Nalgonda ,Nalgonda District  
2.The Collector & District Magistrate,  
Nalgonda District (w.e) (with original records)

Copy to:

The District President ,B.C.Welfare Association,Nalgonda  
Sri Singam RammohanS/O S. B.Ramulu,  
H.No.8-1-157,Boyawada,Vidyanagar,Nalgonda Town,Nalgonda District  
The Director, B.C.Welfare, Hyderabad.  
The P.S. to M (BCW)  
S/F

//FORWARDED BY ORDER//

SECTION OFFICER